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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Juan Nuno Velasco,

7 Plaintiff,

8 v.

9 Sheriff Dennis Balaam, et al.

10 Defendants.

Case No. 2:23-cv-00192-CDS-DJA

11
12 **Order**

13 Before the Court is Plaintiff's notice regarding service (ECF No. 18), motion to serve
14 unserved Defendants (ECF No. 19), and motion for more time to complete service (ECF No. 20).
15 Plaintiff's summons to Defendant Washoe County Sherrif Dennis Balaam were returned
16 unexecuted on October 13, 2023. (ECF No. 16). Those summons provide that, although the
17 United States Marshals Service ("USMS") was able to successfully serve an individual at the
18 address Plaintiff provided, the service was returned by the facility because Sheriff Dennis Balaam
19 is deceased. (*Id.*).

20 In his notice, Plaintiff asserts that he asked the law library to inform him who the current
21 Sheriff of Washoe County and the current Governor of Nevada are. (ECF No. 18 at 2). The law
22 library informed him that the current Sherrif is Sheriff Darin Balaam and the current Governor is
23 Governor Joe Lombardo.¹ (*Id.* at 9). Plaintiff thus moves the Court to attempt service on Sheriff
24 Darin Balaam and Governor Joe Lombardo at addresses Plaintiff indicates in his motion. (ECF
25 No. 19). He also moves for additional time to serve these Defendants. (ECF No. 20).

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27 ¹ Plaintiff asserts that the law library did not provide him the "whole information" about these
28 individuals, including their addresses. (ECF No. 18 at 2, 9). However, Plaintiff later indicates
addresses where these individuals can be served. (ECF No. 19 at 2).

1 However, Plaintiff has not named either Sheriff Darin Balaam or Governor Joe Lombardo
2 in his complaint or amended his complaint to include these Defendants. Under Federal Rule of
3 Civil Procedure 4(a)(1)(B), a summons must be directed to the defendant. Because neither
4 Sheriff Darin Balaam nor Governor Joe Lombardo are named parties in this action, Plaintiff must
5 first amend his complaint to include them before the Court can issue summons to them. The
6 Court will thus deny Plaintiff's motion for service and to extend time without prejudice as
7 premature. If Plaintiff wishes to name, and then serve, Sheriff Darin Balaam and Governor Joe
8 Lombardo, he must first move to amend his complaint to name these parties under Federal Rule
9 of Civil Procedure 15 and Nevada Local Rule 15-1.

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11 **IT IS THEREFORE ORDERED** that Plaintiff's motion for service (ECF No. 19) and
12 motion to extend time (ECF No. 20) are **denied without prejudice** as premature.

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14 DATED: January 5, 2024



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16 DANIEL J. ALBREGTS
17 UNITED STATES MAGISTRATE JUDGE
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